

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,)	Criminal No. 1:22-cr-134
)	
Plaintiff,)	
)	
v.)	<u>DEFENDANT'S MOTION FOR</u>
)	<u>PRETRIAL RELEASE TO A.I.R.</u>
)	<u>RECOVERY AND REHAB</u>
MONTESSA JOY PACKINEAU,)	
)	
Defendant.)	

TO: UNITED STATES OF AMERICA, PLAINTIFF, AND ITS ATTORNEY,
RICK L. VOLK, ASSISTANT U.S. ATTORNEY, U.S. DEPARTMENT OF
JUSTICE, WILLIAM L. GUY FEDERAL BUILDING, 220 EAST ROSSER
AVENUE, ROOM 372, P.O. BOX 699, BISMARCK, NORTH DAKOTA
58502-0699:

PLEASE TAKE NOTICE That Defendant Montessa Joy Packineau, by her undersigned attorney, Mark A. Meyer of Wahpeton, North Dakota, respectfully moves this Honorable Court for an Order granting Defendant Montessa Joy Packineau pretrial release to A.I.R. Recovery and Rehab in Minot, North Dakota, on the following bases:

1. Defendant was arrested in this case on August 8, 2022. (Doc. 20.)
2. By Order dated August 26, 2022, Defendant's motion for release was granted and Defendant was released to Good Road Recovery Center in Bismarck, North Dakota. (Doc. 34.)
3. By Order dated December 6, 2022, based on violations of her condition of release, Defendant was ordered to be detained pending trial. (Doc. 74.)
4. At the detention hearing on December 6, 2022, Defendant's counsel indicated to the Court that Defendant did not dispute detention at that time, based on her violations. The Court indicated that her doing so was

a good first step and perhaps she would get another chance to avail herself of resources to assist in her recovery from addiction.

5. While detained, Defendant underwent an evaluation at Good Road Recovery Center in Bismarck, North Dakota, on December 22, 2022. The evaluation recommended sober living with Partial Hospitalization Programming. See Exhibit A.
6. However, because there are no sober living vacancies at this time in Bismarck, Defendant applied for and was accepted for sober living at A.I.R. Recovery and Rehab in Minot, North Dakota. See Exhibit B.
7. The acceptance letter from A.I.R. was received by Defendant's counsel in December, 2022. Counsel telephoned A.I.R. this morning and was informed that a bed is still available and that they were ready and willing to accept Ms. Packineau into their sober living residence at this time. Furthermore, the A.I.R. representative informed counsel that it is preferable that Ms. Packineau have her own motor vehicle to facilitate her own transportation to outpatient treatment and possible employment.
8. If the Court allows Ms. Packineau to be released to A.I.R., she would attend outpatient treatment at FAA Addiction Services in Minot, North Dakota. FAA has indicated that once Ms. Packineau arrives at A.I.R., FAA would do an evaluation of Ms. Packineau for acceptance into its program. See Exhibit C.
9. As noted in Exhibit C, FAA has reviewed the evaluation done by Good

Road Recovery on December 22, 2022 (see Exhibit A), and based on that review, FAA indicates that it provides the level of care recommended and is currently able to admit Ms. Packineau into services if she is deemed appropriate.

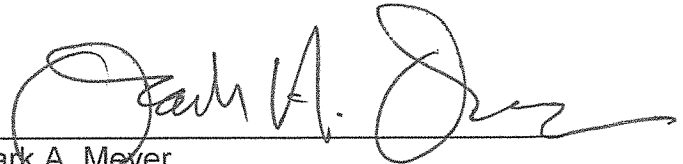
10. In addition to the above, it should be noted that Ms. Packineau was hospitalized the last week of December, 2022, and underwent a miscarriage. After the miscarriage surgery, she was placed back in detention.

11. Ms. Packineau has informed the undersigned that the miscarriage has left her emotionally and mentally devastated and that a structured and nurturing setting such as she would have in a sober living facility would facilitate her recovery from the miscarriage. It goes without saying that a jail setting is not a good place to recover from a miscarriage surgery.

For the reasons stated herein, Defendant's counsel submits that the ends of justice will be served by granting Defendant pretrial release immediately so that she can reside at A.I.R. Recovery and Rehab in Minot, North Dakota, and receive outpatient treatment at FAA Addiction Services in Minot, North Dakota. Defendant would provide her own transportation.

Defense counsel represents to the Court that this motion is made neither for purposes of undue delay nor other improper reason.

Dated this 17th day of January, 2023.



Mark A. Meyer
Attorney for Defendant
ND Atty. Reg. No. 04966
205 North 7th Street
P.O. Box 216
Wahpeton, ND 58074-0216
(701) 642-1660
(701) 642-2061 (fax)
markameyer@702com.net

CERTIFICATE OF SERVICE

Mark A. Meyer, Attorney for Defendant Montessa Joy Packineau, hereby certifies that on January 17, 2023, the following document:

1. Defendant's Motion for Pretrial Release to A.I.R. Recovery and Rehab

was served upon:

Rick L. Volk
Assistant U.S. Attorney
rick.volk@usdoj.gov

by filing electronically.



Mark A. Meyer
Attorney for Defendant